

Application No.: 10/765,205

AMENDMENTS TO THE DRAWINGS

The attached Replacement Sheet of drawings includes the legend “Prior Art” to Figures 1, 2A, 2B and 3 to overcome the Examiner’s objections.

REMARKS

Introduction

The Applicants would like to extend thanks to the Examiner for indicating allowable subject matter. Presently, claims 1-12 are pending in this application. By this Response, the Summary of the Invention and claims 1-12 have been amended. The amendments made are fully supported by the specification as filed. No new matter has been introduced. Reconsideration of this application for allowance of all pending claims are hereby respectfully requested in view of the amendments to the claims and the following remarks.

Drawings

The Examiner has objected to the drawings because of informalities. Accordingly, Figs. 1, 2A, 2B and 3 have been amended to overcome the Examiner's objection. Therefore, the Applicants request Examiner to withdraw the objection.

Claim Objections

Claims 6-12 have been objected to for claiming a different statutory class in dependent claims. The Examiner also objected claims 3, 6, 7, 9, and 12 for informalities. By this Response, claim 6 has been amended to become an independent claim reciting a method. In addition, claims 6-12 have been amended to cure informalities to address the Examiner's concerns. Therefore, the Applicants respectfully request that the objection be withdrawn.

Claim Rejection – 35 U.S.C. § 112

Claims 1-6 and 10-12 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-5 have been rejected under 35 U.S.C. §112, second

paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. By this Response, claims 1-12 have been amended to address 112 issues. The amendments made are fully supported by the application as originally filed. Particularly, the amendment of claims 1 and 9 regarding a virtual interface device can be supported by the descriptions on page 15, lines 13-14 and page 15, line 30 to page 16 line 1. The amendment regarding “an external control system” in claim 1 is supported by description found on page 20, lines 6-7. Therefore, the Applicants respectfully request that the objection be withdrawn.

Allowable Subject Matter

The Examiner indicated that claims 6-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, and the claim objection(s), set forth in this Office Action. By this amendment, claim 6 is now a method independent claim. Claims 7-12 depend from claim 6. Therefore, the Applicants respectfully request that the objection be withdrawn.

Claim Rejection – 35 U.S.C. § 103

Claims 1-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Casey et al. (US 2003/0142674, hereinafter Casey), in view of Sinn et al. (US 2004/0010519, hereinafter Sinn), and further in view of Zelig et al. (US 2004/0037279, hereinafter Zelig). The Applicants respectfully traverse.

As the Examiner correctly pointed out, Casey does not disclose a virtual bridge device that detects control messages and transmits the control messages. The Examiner contended that Sinn discloses this feature. The amended claim 1 recites “determines whether data frames entering the virtual bridge device are control messages”. The Applicants respectfully submit that

neither Casey nor Sinn teaches this claimed feature. Sinn merely discloses that a provisioning bridge server receives control information from a control information system. See Fig. 19 and paragraph 135 of Sinn. Sinn does not teach or suggest a virtual bridge device that can determine whether data frames entering the virtual bridge device are control messages and thereby make processing decisions according to such a determination, as recited in claim 1. Further, the Applicants respectfully submit that Zelig does not teach or suggest this feature either.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, since the prior art references, either alone or in combination, does not teach a virtual bridge device that "determines whether data frames entering the virtual bridge device are control message as recited in claim 1, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention", the proposed combination fails the "all the claim limitations" standard required under § 103. Therefore, claim 1 is patentable. The Applicants respectfully request that rejection of claim 1 under 35 U.S.C. §103 be withdrawn.

Claims 2-5 depend from claim 1. Therefore, claims 2-5 are patentable for at least the same reasons as stated above with respect to claim 1 and for the additional features recited therein. Therefore, the Applicants respectfully request that rejections of claims 205 under 35 U.S.C. §103 be withdrawn.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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